



**UNITED STATES HOUSE OF REPRESENTATIVES  
OFFICE OF THE MAJORITY WHIP  
THE HONORABLE JAMES E. CLYBURN (SC-06)**

# **THE WHIP PACK**

**WEEK OF FEBRUARY 2, 2009**

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## **Bill Text and Background for the Week of February 2, 2009**

- S. 352 – The DTV Delay Act
- Senate Amendment to H.R. 2 – The Children's Health Insurance Program Reauthorization Act
- H.R. \_\_ – Consolidated Appropriations Act for Fiscal Year 2009

**S. 352 – THE DTV DELAY ACT** *(Sen. Rockefeller – Energy and Commerce) (Subject to a Rule)*

**Bill Text:** [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

**Rules Committee Meeting:** Tuesday, February 3, 2009 at 5:00 p.m. in H-313 the Capitol, [Special Announcement](#), [Meeting Time: 5:00pm Tuesday 2/3](#), [Text of Bill as Passed by Senate](#)

**Committee:** [Committee on Energy and Commerce](#)

**Committee Staff Contact:** 5-2927

**LEGISLATION AT A GLANCE:**

**S.352, THE DTV DELAY ACT**

S.352, the “DTV Delay Act,” will help mitigate anticipated challenges for consumers posed by the digital television (“DTV”) transition. Specifically, S. 352 postpones the date of the analog-to-digital television transition from February 17, 2009, to June 12, 2009.

Under current law, all full-power television stations are required to cease analog broadcasts, subjected to limited exceptions, on February 17, 2009. As the transition date has drawn near, it has become increasingly apparent that the existing government programs to support the transition are insufficient. Unless the transition date is delayed, millions of Americans may see their televisions “go dark” on February 18, 2009. Some advocates have noted that it will disproportionately impact low income, rural, and elderly Americans.

In recognition of this pending consumer crisis, on January 8, 2009, John Podesta, co-chair of the Obama-Biden Presidential Transition Team, on behalf of President-elect Obama, wrote the leaders of the House and Senate Commerce Committees to request that Congress take steps to delay the transition so that expected consumer problems could be fixed.

S. 352, which passed the Senate on January 29, 2009, would take a number of steps to mitigate the impact on consumers created by the transition. The provisions include:

- Delaying the transition by 115 days and extending the license terms of the commercial and public safety entities that will use the DTV spectrum after the transition by a corresponding number of days.
- Permitting consumers who never redeemed coupons to reapply for replacement coupons, provided that no household can redeem more than two coupons.
- Expressly preserving the ability of broadcasters to transition before the new transition date, if such a move does not interfere with another broadcast signal. The Act makes clear that the existing FCC rules and regulations concerning interference and consumer education will continue to apply.
- Expressly preserving the ability of public safety entities to use the DTV spectrum before the new transition date, subject to existing FCC rules.

**CRS Reports:**

[RL34165](#): The Transition to Digital Television: Is America Ready?

**GAO Reports:**

(TBA)

**CBO Report:**

(TBA)

**Organization Statements:**

(TBA)

**Administration Position:**

(TBA)

**Fact Sheets & Talking Points:**

(TBA)

**Press Releases, News Articles & Related Information:**

[Chairman Waxman's Statement on House Digital Television Transition Vote](#) —

Committee on Energy and Commerce

**Senate Passes Bill to Shift DTV Transition Date to June 12**

**Other Resources:**

[Cosponsors of S. 352](#)

**SENATE AMENDMENT TO H.R. 2 – THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT** *(Reps. Pallone/Waxman/Dingell – Energy and Commerce) (Subject to a Rule)*

**Bill Text:** [HTML Version](#), [PDF Version](#)  
[Bill Summary and Status](#)

**Rules Committee Meeting:** Tuesday, February 3, 2009 at 5:00 p.m. in H-313 the Capitol, [Special Announcement](#), [Meeting Time: 5:00pm Tuesday 2/3](#)

**Committee:** [Committee on Energy and Commerce](#)

**Committee Staff Contact:** 5-2927

**LEGISLATION AT A GLANCE:**

**THE CHILDREN'S HEALTH INSURANCE PROGRAM  
REAUTHORIZATION ACT OF 2009  
CHIPRA (H.R. 2)**

The Children's Health Insurance Program Reauthorization Act of 2009 reauthorizes and improves the State Children's Health Insurance Program (CHIP). This bill will provide health care to 4 million children beyond the 7 million children currently covered through the CHIP program. It reauthorizes the CHIP program through Fiscal Year 2013 providing needed stability to allow States to plan for program improvements and new coverage initiatives in advance of broader health care reform. The \$40 billion cost of the bill over 5 years is completely offset.

The initial ten-year authorization of the program expired in September 2007. Two bipartisan reauthorization bills were presented to the President in the last Congress. President Bush vetoed them both. Congress was left with no choice but to pass a short-term extension of program, through March of 2009. This funding was only enough to maintain current coverage and was insufficient to allow states to reach the six million low-income children who today are uninsured but eligible for coverage.

H.R. 2, which passed the House on January 14 by a bipartisan vote of 289-139, is an updated version of the first bipartisan reauthorization bill vetoed by President Bush. The version now before the House includes minor changes adopted by the Senate.

**Investing in New Funding for CHIP.** The bill provides a four and a half year reauthorization (through FY 2013) of the CHIP program to strengthen the program's financing, increase health insurance coverage for low-income children, and improve the quality of health care children receive. The 5-year cost is \$40 billion.

**Lowering the rate of uninsured low-income children.** The legislation will provide health coverage to an additional 4 million low-income children who are currently uninsured and will ensure that the 7 million children currently covered by CHIP continue to receive health coverage.

**Improving Access to Benefits for Children (Dental Coverage/Mental Health Parity/EPSDT).** Quality dental coverage will be provided to all children enrolled in CHIP. States will also be allowed to use CHIP funds to provide dental benefits for children who are otherwise insured but lack dental coverage. Coverage under CHIP will include mental health services to be provided on par with medical and surgical benefits covered under the program. Also, this bill establishes a commission to study and report on CHIP and Medicaid provider payments and access to care.

**Prioritizing children's coverage.** The legislation makes several improvements in eligibility for CHIP.

- Pregnant Women: new state option to cover pregnant women. Existing options to cover pregnant women through a state waiver or regulation are preserved.
- Parents: no new waivers to cover parents in the CHIP program will be allowed. States that have received waivers to cover low-income parents under CHIP will be allowed to transition parents into a separate block grant. The federal match for services to parents covered through CHIP will be reduced.
- Childless Adults: the current law prohibition on waivers for coverage of childless adults is retained. Childless adults who are currently covered will transition off CHIP. For states that have received CHIP waivers to cover childless adults, those waivers will be terminated after a one-year period. These states will be allowed to apply for a Medicaid waiver for any further coverage to the adults involved.
- Legal Immigrant Children and Pregnant Women: new state option to cover children and pregnant women lawfully residing in the U.S. who otherwise meet Medicaid or CHIP eligibility requirements. Current law requires a five-year waiting period before legal immigrants become eligible for coverage. This results in access barriers to and delays in necessary health care for low-income legal immigrants who would otherwise be eligible for coverage.

**Providing states with stable allotments and incentives to lower the rate of uninsured low-income children.** States will receive state-based allotments that are responsive to state demographic and national spending trends and allow additional up-front funding for states planning improvements. States that face a funding shortfall and meet enrollment goals will receive an adjustment payment to ensure that no eligible child is denied coverage or placed on a waiting list. The formula also sets in place new overall caps on federal funding to ensure the program's expenditures do not exceed the amounts authorized. The bill provides incentives for states to lower the rate of uninsured children by enrolling eligible children in CHIP or Medicaid.

**Improving Outreach Tools to Simplify and Streamline Enrollment of Eligible Children.** The legislation provides \$100 million in grants for new outreach activities to states, local governments, schools, community-based organizations, safety-net providers and others.

**Improving the Quality of Health Care for Low-Income Children.** The legislation establishes a new quality child health initiative to develop and implement quality measures and improve state reporting of quality data.

**Improving Access to Private Coverage Options.** The bill expands on current premium assistance options for states. It allows states to offer premium assistance for qualified, cost-effective employer-sponsored coverage to children eligible for CHIP who have access to such coverage. It also changes the federal rules governing employer-sponsored insurance to make it easier for states and employers to offer premium assistance.

**Protecting against improper payments for illegal immigrants.** The bill includes language restating that nothing in CHIPRA allows for federal payments for individuals who are not lawfully residing in the U.S.

**Meets Democrats' Commitment to Paygo.** The legislation is fully offset over the five and ten-year budget window by raising the Federal excise tax on tobacco products. This is consistent with the Democratic commitment to fiscal responsibility.

## TITLE VII- REVENUE PROVISIONS

**Section 701. Increase in Excise Tax Rate on Tobacco Products.** This section increases the per-pack cigarette excise tax by \$0.6166 (to \$1.0066 per pack) and generally increases other tobacco products by a proportionate percentage. It equalizes the rate on small cigars and roll-your-own tobacco to small cigarettes, increases the cap on large cigars to \$0.4026 per cigar, and expands the definition of roll-your-own tobacco. This section also imposes floor stocks taxes on tobacco products other than large cigars.

**Sec. 702. Administrative improvements.** This section strengthens regulatory and enforcement authority with respect to tobacco products, including permitting, reporting, and recordkeeping requirements. It also contains a provision regarding the disclosure and use of tax information in certain enforcement proceedings of the Department of Justice.

**Sec. 703. Treasury study concerning magnitude of tobacco smuggling in the United States.** This section mandates a Department of Treasury study on the magnitude of tobacco smuggling in the United States.

**Section 704. Time for Payment of Corporate Estimated Taxes.** This section increases the corporate estimated tax payments due in July, August, and September 2013 for corporations with assets of at least \$1 billion.

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**Senate Changes to House-passed version of H.R. 976.** Changes to the legislation from H.R. 976 include:

- **Sec. 701. Increase in excise tax rate on tobacco products.** Increases the excise tax on all tobacco products by 0.66 percent. Eliminates the excise tax phase in on small cigars.
- **Sec. 702. Administrative improvements.** Makes technical corrections.
- **Sec. 704. Time for payment of corporate estimated taxes.** Modifies the payment amount of corporate estimated taxes.

### **CRS Reports:**

[R40130](#): The Children's Health Insurance Program Reauthorization Act of 2009

[RS22681](#): The Cigarette Tax Increase to Finance SCHIP

[RS22629](#): Medicaid Citizenship Documentation

[R40129](#): Projections of FY2009 Federal SCHIP Allotments Under CHIPRA 2009

[R40144](#): State Medicaid and SCHIP Coverage of Noncitizens

### **GAO Reports:**

(TBA)

### **CBO Report:**

[Cost Estimate](#): Potential Modifications to H.R. 2 as Introduced

[Cost Estimate](#): Ordered Reported by the Committee on Energy and Commerce

### **Organization Statements:**

(TBA)

### **Administration Position:**

(TBA)

**Fact Sheets & Talking Points:**

CHIPRA Summary 2-2-09 – Committee on Energy and Commerce  
Title VII Tax Summary – Committee on Ways and Means

**Press Releases, News Articles & Related Information:**

[Pelosi Statement on Senate Passage of SCHIP>>](#)

**Other Resources:**

[Cosponsors of H.R. 2](#)

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**H.R. \_\_\_\_ – CONSOLIDATED APPROPRIATIONS ACT FOR FISCAL YEAR 2009** (*Rep. Obey – Appropriations*)

**Bill Text:** HTML Version, PDF Version

Bill Summary and Status

**Rules Committee Meeting:**

**Committee:** [Committee on Appropriations](#)

**Committee Staff Contact:** 5-2771

**LEGISLATION AT A GLANCE:**

TO BE ADDED